

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kirk Watkins

Application No.: 09/497,142

Filed: February 3, 2000

For: A SYSTEM AND METHOD FOR
USING A PAYROLL DEDUCTION CARD
AS A PAYMENT INSTRUMENT



Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PETITION TO MAKE SPECIAL UNDER 37 C.F.R §1.102(d)

This is a Petition to Make Special the above-identified patent application. The grounds and conditions for granting this application special status are found in M.P.E.P. § 708.02, VIII "Special Examining Procedure for Certain New Applications -- Accelerated Examination."

Applicant is enclosing a check for \$130.00 to cover the fee for this Petition as set forth in 37 C.F.R. §1.17(i). If any additional fee is required in connection with the filing of this Petition, the Commissioner is hereby authorized to charge that fee to Deposit Account No. 13-4520.

As provided in M.P.E.P. § 708.02, VIII, Applicant agrees to the special examination procedure detailed therein. Applicant also agrees to elect, without traverse, one invention in the event the U.S. Patent and Trademark Office determines that all claims in the application are not obviously directed to a single invention. In support of this Petition, Applicant submits: (

(a) The Statement of Arlene P. Neal, attorney, in support of this Petition to Make Special, referring to the results of a pre-examination search that was made in connection with the invention and discussing the references and the distinctions of the claimed subject matter; and

(b) An Information Disclosure Statement and one copy of each of the relevant references found upon the search which was made in connection with the invention.

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Accordingly, Applicant requests that this Petition to Make Special be granted and the application undergo accelerated examination.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Arlene P. Neal

Arlene P. Neal

Reg. No. 43,828

Dated: March 24, 2000

MORGAN, LEWIS & BOCKIUS LLP
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Sir:

STATEMENT OF Arlene P. Neal
IN SUPPORT OF THE PETITION TO MAKE SPECIAL

Arlene P. Neal states as follows:

1. I am an associate in the firm of Morgan, Lewis & Bockius LLP, and an attorney for the Applicant in the above-identified application. I am a member of the bar of the State of Massachusetts and a registered Patent Attorney, Registration No. 43,828. I make this Statement in support of Applicant's Petition to Make Special in the above-identified application.

2. The subject matter of the above-identified application relates to a system and method for using an e-duction card as a payment instrument, whereby a purchase price of articles purchased on-line or off-line is deducted from an employee's paycheck. An employee authorizes the inventive system to accept payroll deduction as a payment option for the employer's employees. The employer and system establish predefined guidelines for processing payroll deduction and identifying the employer and its employees. Thereafter, when an eligible employee selects articles from the vendor's website or off-line, the employee may use the e-duction card to pay for selected articles. The vendor and employer process the payroll deduction payment based on the predefined guidelines.

3. To determine the patentability of the claims in the application, a pre-examination search was conducted in the United States Patent and Trademark Office in Class 705, subclasses 26, 27, 28, 29; Class 902, subclasses 22, 24, 41. This search was conducted by Wesley L. Strickland of Lacasse & Associates, a professional patent search service.

4. The search uncovered the following patents most closely related to the subject matter of the application.

<u>Patentee</u>	<u>Patent No.</u>
Anderson	5,283,829
Gardner et al.	5,758,327
Harrington	5,895,454
Kolling et al.	5,920,847
Berger et al.	5,943,424



5. These references are discussed in detail below:

U.S. Patent No. 5,283,829 discloses an electronic bill payment system that includes billing equipment for creating an approval record and generating approval numbers for each pre-authorized subscriber. The bill payment system also includes an interactive payment approval apparatus which determines, based upon information collected, whether to initiate electronic funds transfer.

U.S. Patent No. 5,758,327 discloses an electronic ordering system that includes company specific requisition rules for multiple independent companies. The electronic ordering system receives a requisition, determines the company personnel who can authorize the transaction and produces an electronic order after authorization.

U.S. Patent No. 5,895,454 discloses a database used by local users to locate remote vendor network sites. After the local users interactively connect with one or more of the remote vendor network sites, the users select products/services from the remote vendor network site.

The database and associated database interface transmit purchase/ordering data to the remote vendor sites corresponding to the uses' selection.

U.S. Patent No. 5,920,847 discloses a bill pay system wherein participating consumers pay bills to a participating biller through a payment network operating according to preset rules. The participating consumer receives bills from participating billers that indicate an amount and a unique biller identification number. To authorize remittance, a consumer transmits to a participating bank a bill pay order indicating a payment date, amount, the consumer's account number, and the biller identification number. The bank submits a payment message to the payment network that forwards the payment message to the biller's bank. Thereafter, the consumer bank debits the consumer's account and the biller bank credits the biller's account.

U.S. Patent No. 5,943,424 discloses an architecture for processing a plurality of transactions from a single point of initiation. The initiating computer selects a terminal identification token and associates the token with a transaction request, thereby ensuring the association of the transaction with a unique terminal. At the conclusion of the transaction, a set operation sets a date-time value to null, enabling the token to be reused for another non-concurrent transaction.

Applicant therefore submits that the claims patentably distinguish over these references.

None of the above-described references teaches or suggests a method for using an e-duction card that enables an authorized employee to pay for selected products/services sold on a participating vendor's web site.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Arlene P. Neal

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Date: March 24, 2000

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